

***Remarks***

The proposed After Final amendment puts the claims in condition for allowance, at least over the prior art of record.

The final office action rejection of the claim language "unitary seamless" conduit is unsupported. That language is supported at page 6, lines 1 through 5 and in the figures wherein the conduit is disclosed as being continuous, which distinguishes it over the welded conduits of the prior art, particularly Nelson. The limitation is hereby amended without narrowing, to read "continuous".

Similarly, the amended claim limitation cornerless describing the conduit also distinguishes it between both the Nelson and Newman prior art references, which have corners.

The office action rejection is based on the proposition that the Newman and Nelson references disclose regularly spaced fins as claimed. They do not. There are gaps between some fins that are not regularly spaced, *see* the end corners 11 through 19 in Figure 1 of Nelson and the gap at 20 degree corners at angled elements 24 in Newman, Figure 2. Clearly the office action is based on the notion that any three fins being equal distance apart disclose regular spacing. That is not what has been claimed. Without narrowing, claim 3 is amended to particularly point out and distinctly claim that the regular spacing is maintained through 360 degrees of the helicoidal conduit, by reciting that the regular spacing is maintained "throughout the circumference of the heat exchanger".

Moreover, the amendments to claim 3 recite a new final limitation, wherin each fin extends all the way out, thus avoiding the Newman reference.

*Non-Axial Air Flow*

The office action asserts on page 6 that the remarks do not explain why claim 34 defines over the prior art of the record. The remarks describe in detail the consequences of the structure recited in claim 34 wherein the direction of air flow is recited. In the Newman reference axial air flow decreases efficiency. In claim 34, non-axial air flow is claimed. Non-axial air flow causes fresh air to cross one section of the conduit only, and not to cross successive loops of the conduit, thereby successively diminishing its capability to exchange heat.

Claim 34 has herein been amended to depend from amendment claim 3.

Claim 37 is allowable over the prior art of record for the same reasons explained above.

*Interview Summary*

Applicant thanks the examiner for a courteous and useful interview. In the interview the structural distinctions between the cited prior art and the recited structure of the pending claims was reviewed and agreed upon as above. In the interview the limitation that the fins extend radially outward substantially to an outer extent of said strand or conduit was noted as different than the cited prior art as well as the fact that each fin crosses at least one gap, throughout “the entire 360°” of the heat exchanger. These structures are recited in the present amendments submitted herewith.

***Conclusion***

Prompt and favorable consideration of this Amendment is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at the number provided.

Respectfully submitted,



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